# CITY OF ISSAQUAH
# MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)

**Description of Proposal:** Subdivide a 12 acre site into 42 single-family residential lots. The preliminary plat would allow construction of utilities, roadways, stormwater facilities, site grading and other plat improvements prior to construction of the residences.

The site is constrained by environmental critical areas, including; steep slopes along the south portion of the property, an intermittent stream on the northwest part of the lot, one on-site wetland and two off-site wetlands with the wetland buffer areas extending onto the southwest corner of the site. The proposal includes separate tracts for critical areas (steep slopes, wetlands, streams) as well as open space tracts and tree retention areas. The proposal would not directly impact critical areas or buffers. The development area is concentrated onto 6 acres of the 12 acre site.

The site is currently heavily forested and undeveloped. The south part of the site slopes steeply to a ravine down to Laughing Jacobs Creek. There is an existing sanitary sewer trunk line and associated access road along the south property boundary, which is graded into and interrupts the steep slope. The applicant proposes to reduce the steep slope buffer from 50 feet to 10 feet, with a 15-foot building setback from the reduced buffer. The steep slope buffer reduction is allowed under the City's critical area regulations (IMC 18.10.580). The applicant submitted a geotechnical report to evaluate the steep slope buffer reduction and the City required an independent peer review of the applicant's geotechnical report.

The site is zoned Single Family Small Lot (SF-SL) which allows a minimum lot size of 6,000 square feet (SF) and allows a maximum density of 7.26 dwelling units per acre. The City's code allows density to be transferred from protected environmental critical areas to developable areas of the site. A maximum of 78 dwelling units could be developed on the site with the transfer of density from critical areas. The proposal meets the density requirement of the SF-SL zoning; the 42 lots on the 12 acre site would equal a gross density of 3.5 dwelling units per acre. Lot sizes in the developable area may be reduced below the zoning minimum lot size to accommodate the transfer of density from the environmental critical areas (IMC 18.10.450). 39 of the forty-two (42) lots would be less than 6,000 SF, with 27 of the lots less than 4,000 SF.

The proposal includes an Administrative Adjustment of Standards (AAS) to reduce building setbacks on the individual lots. The SF-SL zone requires a 10-foot front setback, 6-foot side yard setbacks and a 20-foot rear yard setback. The applicant requests reducing setbacks to a 3-foot front yard, 3-foot side yards, and a rear setback reduced to 17 feet.

Access to the development would be from a single driveway access off SE 43rd Way. The internal access road to the lots would be a public street. The proposal includes channelization improvements on SE 43rd Way including adding a right turn pocket into the site, a center merge pocket and a left turn pocket for vehicles entering the site from the east.

The property is located at 221XX SE 43rd Way, immediately south and west of the Providence Point development.

**Proponent:** Windward Real Estate Services, Inc.
335 Park Place Center, Suite G119
Kirkland, WA. 98033
Attn: Greg Krabbe

**Owner:** Providence Point/Delta Inn Construction
4100 194th St SW
Lynnwood, WA. 98036
Attn: Sungh Lee Kim

**Permit Number:** PP13-00005, AAS13-00004 - Providence Ridge Preliminary Plat

**Location of Proposal:** 22X SE 43rd Way, immediately south and west of the Providence Point immediately south and west of the Providence Point development.

**Lead Agency:** City of Issaquah

**Determination:** The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

**Comment/Appeal Period:** This MDNS is issued under WAC 197-11-340(2) and 197-11-680(3)(a)vii. There is a 21-day combined comment/appeal period for this determination, between **April 16, 2014 and May 7, 2014**. Anyone wishing to comment may submit written comments to the Responsible Official. The Responsible Official will reconsider the determination based on timely comments. Any person aggrieved by this determination may appeal by filing a Notice of Appeal with the City of Issaquah Permit Center. Appellants should prepare specific factual objections. Copies of the environmental determination and other project application materials are available from the Issaquah Development Services Department, 1775 12th Avenue NW.

Appeals of this SEPA determination must be consolidated with appeal of the underlying permit, per IMC 18.04.250.

**Notes:**

1) This threshold determination is based on review of the preliminary plat, conceptual road/grading plan, conceptual utility plan, tree retention plan, landscape plan received October 28, 2013; Wetland Reconnaissance (Sewall Wetland Consulting, Inc.) received October 28, 2013; Technical Information Report (Encompass Engineering & Surveying) received October 28, 2013; Geotechnical Engineering Study dated December 31, 2007, Supplemental Geotechnical Exploration and Stability Evaluation dated September 12, 2008, and Addendum No. 2 dated October 25, 2013 (Lui & Associates, Inc.); Geotechnical Engineering Slope Stability Analysis (E3RA) dated March 24, 2014; Providence Ridge – Geotechnical Engineering – Condensed Comments and Recommendations (SubTerra, Inc.) dated April 8, 2014; Concurrency Analysis (CH2MHill) dated January 9, 2014;Traffic Impact Analysis (TENW) dated January 15, 2014; SE 43rd Way Channelization Plans (TENW) received February 11, 2014; environmental checklist received October 28, 2013; and other documents in the file.
2) Issuance of this threshold determination does not constitute approval of the permit. The proposal will be reviewed for compliance with all applicable City of Issaquah codes, which regulate development activities, including the Land Use Code, Critical Area Regulations, Building Codes, Clearing and Grading Ordinance, and Surface Water Design Manual.

**Findings:**

1. Land Use: The site is zoned Single-Family Small Lot (SF-SL), which allows a maximum density of 7.26 dwelling units/acre and requires a minimum lot size of 6,000 SF. Environmental critical areas (steep slopes, stream buffers, wetland/wetland buffers) cannot be developed and receive only partial density credit which may then be transferred to the developable area of the site. The code allows reducing the zoning standard minimum lot size to accommodate the transfer of density from critical areas to developable areas on a site (IMC 18.10.450), provided the maximum zoning density is not exceeded. The intent of this code provision is to provide incentives for preservation of critical areas, flexibility in design, and to achieve residential density consistent with the Comprehensive Plan. The proposal meets the density requirement of the SF-SL zoning; the 42 lots on the 12 acre site would equal

a gross density of 3.5 dwelling units per acre. 39 of the forty-two (42) lots would be less than 6,000 SF, with 27 of the lots less than 4,000 SF.

The subject parcel is isolated from adjacent development; there are no residences or other development directly adjacent to the site which would be impacted by a smaller lot cluster development. The closest development is Providence Point, which includes a wide variety of lot sizes and housing types. The proposal is for detached single family residences, consistent with the single family zoning.

2. Wetlands: A Wetland Report (Sewall Wetland Consulting, Inc, received October 28, 2013) was prepared to determine the presence of jurisdictional wetlands and to provide the wetland rating in order to determine wetland buffer requirements. The site contains one wetland area (Wetland C), a 1,401 SF Category 3 wetland. Typically, a wetland of this classification would require a 50 foot buffer, but because the buffer extends into a steep slope area the buffer is required to extend 25 feet from the top of the slope [IMC18.10.650(b)], equating to a total buffer width of 75 feet. The proposal would not encroach into or impact the wetland or wetland buffer. There are 2 off-site wetlands and the wetland buffers extend onto the southwest corner of the site. Wetland A is a 31 SF Category 3 wetland and Wetland B is an 800 SF Category 3 wetland. Both wetlands require a 75 foot buffer because the buffers extend into steep slope areas. The proposal would not have direct impacts on these wetlands or wetland buffers. The wetlands are currently well-vegetated with a native forested plant community and enhancement is not necessary to improve functions.

3. Streams: An intermittent, seasonal stream crosses the west part of the site. The stream originates off-site to the north of SE 43rd Way, originating from a stormwater detention pond located on the Providence Point development. No fish species were observed within this portion of the stream. There are several natural cascades/steep slopes between the site and its downstream connection to Laughing Jacobs Creek, preventing fish passage. Intermittent, Class 3 streams require a 50 foot buffer width. A pedestrian trail is proposed to cross the stream, providing public access from SE 43rd Way to the regional trail on the south part of the site following the existing sewer truck line road access. The applicant proposes enhancement of the stream buffer to mitigate for the trail crossing and bridging of the small creek. The applicant shall provide details of the stream crossing to ensure the bridge design spans the ordinary high water mark, is adequately designed for high flows, and to quantify the enhancement planting relative to the stream buffer impact.

   The south part of the site slopes steeply down a ravine and to Laughing Jacobs Creek. Laughing Jacobs Creek is a fish-bearing stream and flows to the west to Lake Sammamish. The proposal is not expected to have impacts on Laughing Jacobs Creek; erosion control during construction would prevent sedimentation and the proposed stormwater facility would provide water quality treatment to Sensitive Lake protection standards.

4. Steep slopes: Slopes along the south part of the site exceed 40% and are therefore protected as an environmental critical area. The applicant proposes to reduce the 50-foot steep slope buffer to 10 feet, as allowed under IMC 18.10.580. There would be a 15-foot building setback from the reduced buffer and no occupied building may be within 25 feet of a steep slope. The applicant prepared geotechnical reports to address slope stability and the steep slope buffer reduction per the criteria in the code. The City had an independent peer review completed on the geotechnical study. The following conditions shall apply:

   1) All cited geotechnical design requirements, recommendations, and development practices specified in the Liu and Associates geotechnical reports and the Geotechnical Engineering Slope Stability Analysis by E3RA shall be followed.

2) Walls shown on the plans shall be designed/engineered as retaining structures, rockeries are not considered to be retaining structures.

3) An interceptor trench drain shall be provided, consistent with the recommendations in the Liu and Associates geotechnical reports.

4) Detailed design of structures and retaining walls shall be reviewed for compliance with code criteria in IMC 18.10.580, prior to issuance of building or construction permits.

5) The applicant shall submit a geotechnical report evaluating specific building plans and grading plans prior to the issuance of construction and building permits. The geotechnical report shall follow City of Issaquah Development Services "Soils Report Requirements." A third-party independent review of the geotechnical report may be required at the applicant's expense.

5. Tree retention – The Land Use Code requires tree retention, a minimum of 30% of the total caliper of existing trees outside of critical areas and buffers. Tree retention is proposed in a contiguous area, located on the back/south portion of Lots 13 through 39. The tree retention area would be separated from the developed lots by rockery retaining walls and therefore would be mostly outside clearing and grading limits, which is preferred over protecting individual or small tree stands on the developed lots. The trees would be protected by a restrictive easement on the back of the lots. The tree retention area is located contiguous to the steep slope and steep slope buffer area. This would provide additional "buffer" or undeveloped area adjacent to the steep slopes. The proposed tree retention meets code priorities in terms of saving trees in large groupings to form a continuous canopy and preserved native trees adjacent to critical areas adds wildlife habitat value. Approved tree protection measures must be in place prior to any other construction or demolition activities. They may be installed in conjunction with limits of clearing and grading delineation.

6. Traffic: A traffic concurrency analysis was conducted to evaluate the impacts of traffic generated by the proposal on level of service (LOS) operations at intersections. A Trip Generation Memorandum was provided by Transportation Engineering NorthWest (TENW) for the proposed subdivision, based on methodology included in the *Institute of Transportation Engineers (ITE) Trip Generation Manual*, 8th edition for Land Use Code (LUC) 210 (Single-Family Dwelling Units). The concurrency analysis evaluated 43 single family lots and concluded the proposal would generate 49 weekday PM peak hour trips (31 trips in and 18 trips out). Projects that generate 30 or more net new trips are required to be evaluated using the most current version of the City's transportation forecasting model (IMC 18.15.260.D).

   The concurrency model identifies the intersections that would be impacted by 30 or more project trips, based on the project trip distribution. Issaquah's traffic concurrency model identified that 1 intersection that would receive 30 or more PM peak hour trips and could be impacted by the proposed project: SE 43rd Way/East Lake Sammamish Parkway (roundabout). The concurrency analysis determined that the proposal would not impact the overall LOS of the SE 43rd Way/East Lake Sammamish Parkway. Several turn movements at the intersection would operate at LOS E with or without the project and the proposed project would increase the delay by 0.1 second at these turn movements. The concurrency ordinance requires mitigation only when a development would impact the LOS for the overall intersection, not specific movements at an intersection. Therefore, no traffic mitigation is required.

   A Site Access Analysis was prepared to evaluate the road access into the site off SE 43rd Way. The analysis evaluated level of service (LOS) and queuing for all turn movements in and out of the site based on project trip distribution from the City concurrency model. It also evaluated intersection sight distance. The Site Access Analysis recommends channelization improvements on SE 43rd Way necessary for safe

and efficient access and egress into the site, including; adding a right turn pocket into the site, a center merge pocket and a left turn pocket for vehicles entering the site from the east. Channelization plans for SE 43rd Way shall be approved by the City prior to issuance of construction permits. The City has plans to signalize the intersection of SE 43rd Way and Providence Point Place SE and Providence Point Drive SE, located approximately 1,000 feet to the east of the proposed road access into Providence Ridge. The construction of the improvements is currently unfunded and timing is unknown. The road access and related channelization improvements on SE 43rd Way proposed by Providence Ridge will be reviewed and coordinated with the City's project.

7. Public Services - The proposal would have a potential impact on public services, including police and general government buildings. IMC Chapter 18.18, Methods to Mitigate Development Impacts, provides alternatives to mitigate for direct impacts of proposed development. The City may approve a voluntary payment in lieu of other mitigation. Rate studies for police facilities and general government buildings are included in IMC 18.10.260 as the City's SEPA policy base. The rate studies present the methodology and formulas for determining the amount of the mitigation fee commensurate with the proposed land use and project impacts. The current mitigation fee is $137.59 per new single family residence for the General Government Buildings mitigation fee and $176.12 per new single family residence for the Police mitigation fee. The mitigation fee is paid at the time of building permit issuance and the actual fee amount is determined at that time. Applicant objections to the voluntary payment should be made during the SEPA comment period.

**Mitigation Measures:** The Mitigated Determination of Nonsignificance is based on the checklist received October 28, 2013 and supplemental information in the application. The following SEPA mitigation measures shall be deemed conditions of the approval of the licensing decision pursuant to Chapter 18.10 of the Issaquah Land Use Code. All conditions are based on policies adopted by reference in the Land Use Code.

1) The applicant shall provide details of the intermittent stream crossing to ensure the bridge design spans the ordinary high water mark, is adequately designed for high flows, and to quantify the enhancement planting relative to the stream buffer impact. Plans shall be submitted and approved by the City prior to issuance of construction permits.

2) All cited geotechnical design requirements, recommendations, and development practices specified in the Liu and Associates geotechnical reports and the Geotechnical Engineering Slope Stability Analysis by E3RA shall be followed. This shall be reviewed on construction plans and approved by the City prior to issuance of construction permits.

3) Walls shown on the plans shall be designed/engineered as retaining structures, rockeries are not considered to be retaining structures. This shall be reviewed on construction plans and approved by the City prior to issuance of construction permits.

4) An interceptor trench drain shall be provided, consistent with the recommendations in the Liu and Associates geotechnical reports. This shall be reviewed on construction plans and approved by the City prior to issuance of construction permits.

5) Detailed design of structures and retaining walls shall be reviewed for compliance with code criteria in IMC 18.10.580, prior to issuance of building or construction permits.

6) The applicant shall submit a geotechnical report evaluating specific building plans and grading plans prior to the issuance of construction and building permits. The geotechnical report shall follow City

of Issaquah Development Services "Soils Report Requirements." A third-party independent review of the geotechnical report may be required at the applicant's expense.

7) The tree retention areas located on Lots 13-39 shall be preserved by recording a tree protection easement on the lots. The tree protection easement shall be required on final plat drawings.

8) Approved tree protection measures shall be in place prior to any other construction or demolition activities. They may be installed in conjunction with limits of clearing and grading delineation.

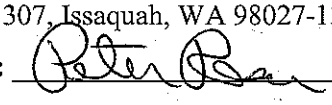
9) Channelization improvements on SE 43rd Way are necessary for safe and efficient access and egress into the site, including; adding a right turn pocket into the site, a center merge pocket and a left turn pocket for vehicles entering the site from the east. Channelization plans for SE 43rd Way shall be approved by the City prior to issuance of construction permits.

10) The applicant should mitigate for potential impacts on public services with a voluntary contribution for the General Government Buildings and Police Mitigation Fees. Applicant objections to the voluntary payment should be made during the SEPA comment period. The mitigation fee is to be paid prior to issuance of building permits and the actual fee amount is determined at that time.

**Responsible Official**: Peter Rosen

**Position/Title:** Senior Environmental Planner

**Address/Phone:** P.O. Box 1307, Issaquah, WA 98027-1307 (425) 837-3094

**Date:** 4/16/2014 **Signature:** 

cc: Washington State Department of Ecology
Muckleshoot Indian Tribe
U.S. Army Corps of Engineers
Washington State Department of Fish and Wildlife
City of Sammamish
Issaquah Development Services Department
Issaquah Public Works Engineering and Parks and Recreation Departments
Parties of Record